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*Attorneys for Defendant*

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IN THE UNITED STATES DISTRICT COURT,

CENTRAL DIVISION, STATE OF UTAH

UNITED STATES OF AMERICA,  Plaintiff,  LATROI DEVON NEWBINS,  Defendant.	<b>DEFENDANT'S MOTION TO MODIFY CONDITIONS OF PRETRIAL RELEASE</b>  2:20mj00415-DBP 2:20-cr-00182-DBB  Chief Magistrate Judge Dennis B. Pead Judge David B. Barlow
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Defendant Latroi Devon Newbins, by and through counsel of record, Darwin L. Overson, of the law firm of OVERSON LAW, PLLC, moves to modify the conditions of pretrial release. Specifically, the Defendant seeks to modify the terms or rather seeks the Court's approval of a change in his living circumstances to allow him to reside in the same home as his wife and children.

Prior to approval of the Defendant's pretrial release, this Court expressed a concern for the safety of the Defendant's common-law wife due to charges that were dismissed in 2017 because the "victim/witness" was unable to be located. PTS Report, p.5. It was pointed out

that based on the state court docket, the alleged victim in that case had shown for court but left prior to the case being called for preliminary hearing. State Court Docket, attached as Exhibit A.

Nevertheless, based on that concern, this Court ordered PTS to confirm suitable living arrangements were available for the Defendant to reside with his common-law wife's father. PTS confirmed the suitability of the living arrangement and this Court approved the Defendant's release. The Defendant has been out on pretrial ever since. He has complied with this Court's conditions including (1) Completed a mental health evaluation through Valley Mental Health where he continues counseling; and (2) Undergoing random drug tests showing the Defendant is not using controlled substances.

The living arrangements with the Defendant's common-law wife's father are no longer suitable because the Defendant cannot afford to pay rent for his family and pay his common-law wife's father. Initially, there was no rent discussed but a demand for \$500 per month was made and the Defendant is not able to afford a rent payment in addition to that paid by him for his family's apartment. The Defendant was employed with Health Line Intermountain working as an assembly line worker but due to a chronic injury to his back, he was not able to continue working. The Defendant has applied for schooling and continues to search for employment in the interim. The Defendant spends most of his time caring for his children and looking for work. Defendant is also in the process of applying for disability benefits.

The Defendant has had no other violence related charges since the 2017 case and has resided with his common-law wife ever since with the exception of the time he has been on

pretrial services release.

The Defendant and his common-law wife have both prepared safety plans which are attached as Exhibit B.

Defendant's common-law wife wishes the Defendant to be home so that he can help her with the children. The Defendant has historically been very active in the care of his children and his absence from the home has caused a significant burden on his common-law wife.

### **CONCLUSION**

For the stated reasons, the Defendant respectfully request that this Court modify the terms of his PTS release to permit him to reside with his family.

RESPECTFULLY SUBMITTED this 3<sup>rd</sup> day of August, 2020.

/s/ Darwin L. Overson  
Darwin L. Overson  
Attorney for Mr. Newbins

**EXHIBIT A**

3RD DIST. COURT - WEST JORDAN  
SALT LAKE COUNTY, STATE OF UTAH

STATE OF UTAH vs. LATROI DAVON SR NEWBINS

CASE NUMBER 171401904 State Felony

CHARGES

Charge 1 - 76-5-103(1) - AGGRAVATED ASSAULT - 3rd Degree Felony

Offense Date: May 14, 2017

Location: 59 E GILBRIDE AVE #337

Attributes: Domestic Violence.

Disposition: July 03, 2017 Dismissed (w/o prej)

Charge 2 - 76-5-109.1(2) - DOMESTIC VIOLENCE IN THE PRESENCE OF A CHILD - 3rd Degree Felony

Offense Date: May 14, 2017

Location: 59 E GILBRIDE AVE #337

Attributes: Domestic Violence.

Disposition: July 03, 2017 Dismissed (w/o prej)

Charge 3 - 76-5-304(1) - UNLAWFUL DETENTION - Class B Misdemeanor

Offense Date: May 14, 2017

Location: 59 E GILBRIDE AVE #337

Attributes: Domestic Violence.

Disposition: July 03, 2017 Dismissed (w/o prej)

CURRENT ASSIGNED JUDGE

JAMES GARDNER

PARTIES

Plaintiff - STATE OF UTAH

Represented by: SIMARJIT GILL

Defendant - LATROI DAVON SR NEWBINS

Also Known As - LA TI NEWBINS

Also Known As - LA TRIO NEWBINS

DEFENDANT INFORMATION

Defendant Name: LATROI DAVON SR NEWBINS

Offense Tracking Number: 53382834

Date of Birth: December 26, 1991

Jail Booking Number: 17025727

Law Enforcement Agency: MURRAY CITY POLICE

LEA Case Number: 17C008685

CASE NUMBER: 171401904 State Felony

Officer Name: B HADLEY  
Prosecuting Agency: SALT LAKE COUNTY  
Agency Case Number: 17011332  
Violation Date: 05-14-2017  
Sheriff Number: 333455

ACCOUNT SUMMARY

Paper Bond Totals Posted:	25,000.00
Forfeited:	0.00
Exonerated:	25,000.00
Balance:	0.00

NONMONETARY BOND DETAIL - TYPE: Surety

Posted By:	DEWEYS BAIL BOND COMPANY (#D 3690)
Posted:	25,000.00
Forfeited:	0.00
Exonerated:	25,000.00
Balance:	0.00

CASE NOTE

WEST JORDAN - BRERETON/LDA APPOINTED 06/06/2017

PROCEEDINGS

05-16-2017 Filed: INFORMATION/INDICTMENT  
05-16-2017 Filed: WARRANT OF ARREST (PROPOSED)  
05-16-2017 Case filed by efiler  
05-16-2017 Filed: Warrant of Arrest Judge: rmharr  
05-16-2017 Warrant Ordered  
05-16-2017 WARRANT: NEWBINS ,  
05-16-2017 Warrant Issued  
05-16-2017 Filed: Return of Electronic Notification  
05-17-2017 Warrant Recalled  
05-17-2017 INITIAL APPEARANCE/DEWEY'S on 06/06/2017  
05-17-2017 Bond Account created  
05-17-2017 Post nonmonetary bond  
05-17-2017 Filed: DEWEYS BAIL BOND COMPANY 25000.0  
05-17-2017 Tracking started -- Bail/Bond  
06-06-2017 Note: Pre-Trial Protective Order Service Date : 06-06-2017  
08:56:00  
06-06-2017 INITIAL APPEARANCE/DEWEY'S  
06-06-2017 Filed: Affidavit of Indigency/LDA APPOINT  
06-06-2017 Tracking ended -- Bail/Bond  
06-06-2017 Refund/Transfer nonmonetary bond  
06-06-2017 Case filed by casetran  
06-06-2017 Filed: From an Information  
06-06-2017 Note: Case transferred from Salt Lake City District. Case

CASE NUMBER: 171401904 State Felony

171905217

06-06-2017 Judge BRUCE LUBECK assigned.

06-06-2017 Judge HEATHER BRERETON assigned.

06-06-2017 SCHEDULING CONFERENCE 1 scheduled on June 08, 2017 at 08:30 AM  
in WJ Courtroom 36 with Judge HEATHER BRERETON

06-07-2017 Filed protective order: Pre-Trial Protective Order

Judge HEATHER BRERETON

Signed June 07, 2017

06-07-2017 Bond Account created Total Due: 25,000.00

06-07-2017 Bond Account created

06-07-2017 Filed: DEWEYS BAIL BOND COMPANY 25000.00

06-07-2017 Bond Posted Non-Monetary Bond: 25,000.00

06-08-2017 PRELIMINARY HEARING scheduled on July 03, 2017 at 01:30 PM in  
WJ Courtroom 36 with Judge HEATHER BRERETON

06-08-2017 Minute Entry - SCHED CONF 1

Judge: HEATHER BRERETON

PRESENT

Clerk: chasityh

Prosecutor: RASBAND, JARED W

Defendant Present

The defendant is not in custody

Defendant's Attorney(s): HOWARD, STEPHEN W

Sheriff Office#: 333455

Tape Number: 36 Tape Count: 1107

Court ordered PreTrial Protective Order to be vacated.

PRELIMINARY HEARING is scheduled.

Date: 07/03/2017

Time: 01:30 p.m.

Location: WJ Courtroom 36

8080 S REDWOOD ROAD

SUITE 1701

WEST JORDAN, UT 84088

Before Judge: HEATHER BRERETON

06-09-2017 Filed order: SCHED CONF 1

Judge HEATHER BRERETON

Signed June 09, 2017

07-03-2017 Charge 1 Disposition is Dismissed (w/o

07-03-2017 Charge 2 Disposition is Dismissed (w/o

07-03-2017 Charge 3 Disposition is Dismissed (w/o

07-03-2017 Note: Domestic violence charge 1 dismissal reason - Unable to  
locate victim/witness

07-03-2017 Note: Domestic violence charge 2 dismissal reason - Unable to  
locate victim/witness

07-03-2017 Note: Domestic violence charge 3 dismissal reason - Unable to  
locate victim/witness

07-03-2017 Minute Entry - PRELIMINARY HEARING

CASE NUMBER: 171401904 State Felony

Judge: HEATHER BRERETON

PRESENT

Clerk: chasityh

Prosecutor: RASBAND, JARED W

Defendant Present

The defendant is not in custody

Defendant's Attorney(s): HOWARD, WESLEY J

Sheriff Office#: 333455

Audio

Tape Number: 36 Tape Count: 1440

State not ready to proceed, victim left. State motions for dismissal of case. Court grants w/o prejudice.

07-03-2017 Filed order: PRELIMINARY HEARING

Judge HEATHER BRERETON

Signed July 03, 2017

07-03-2017 Bond Exonerated -25,000.00

07-03-2017 Case Closed

Disposition Judge is JAMES GARDNER

01-11-2019 Judge DIANNA GIBSON assigned.

01-11-2020 Judge KRISTINE JOHNSON assigned.

01-12-2020 Judge JAMES GARDNER assigned.

**EXHIBIT B**

Protection Plan

7/20/20

What will I do to ensure that if or when I get upset or mad at my wife Shakeyla Davis, I will do one or all of the different scenarios below to prevent harm to or against anyone.

1. Leave the situation before it escalate.
2. Call a family member or friend to help.
3. Try to talk it out before it escalate.
4. Always stay positive no matter what.
5. Don't let it get to that point at all.

This will be my protection plan to prevent any harm to my family/Shakeyla Davis to ensure the safety of her and my kids.

J. Newby

• Protection Plan. Shakeyla Davis

7/20/20

1. avoid arguments.
2. if an argument occurs leave to calm down.
3. Don't use abusive language at each other.
4. Try and manage the situation.
5. Stay calm.
6. Communicate about the situation
7. assure that we are safe.
8. We have learned from are incident in 2017
9. We assure a safe place for our family
10. I am my kids feel totally safe with Mr. Newbins living with us.

C Davis